

REMARKS

This amendment is responsive to the Office Action of July 21, 2008. Reconsideration and allowance of the claims 1-24 are requested.

The Office Action

Claims 1-24 stand rejected under 35 U.S.C. § 102 as being anticipated by Leussler (US 7,345,481).

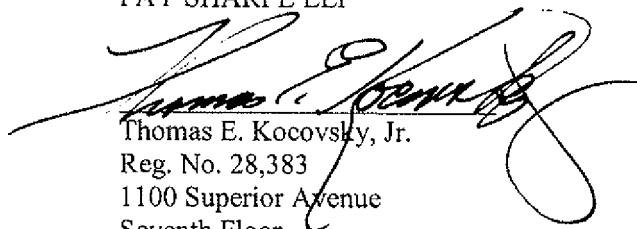
Discussion

Leussler is not prior art under 35 U.S.C. § 102 against the present application. Leussler and the present application both claim the benefit of earlier US provisional patent applications; Serial Nos. 60/520,880 for Leussler and 60/520,949 for the present application, both of which were filed concurrently on November 18, 2003. The specifications of Leussler and the present application were not substantively amended between the filing of the provisional applications and the entry of the US national stage. Accordingly, both Leussler and the present application have the same effective filing date. Because Leussler and the present application have the same effective filing date, Leussler is not "prior" and does not qualify as prior art under 35 U.S.C. § 102(e) or any other provision of 35 U.S.C. § 102. There being no other rejection of the claims, it is submitted that all claims distinguish patentably over the prior art and are otherwise in condition for allowance. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over the printed name and address.

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